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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) Case 3:05-CR-00108-2-JWS  
v. )  
SHANNON D. RAINY, )  
Defendant. )  
)

The United States recommends to the Court that it find the defendant, Shannon Rainey, has satisfied the criteria for the application of the “Safety Valve” to her sentencing. If the Court finds the defendant has satisfied the “Safety Valve” criteria, then, in accordance with the plea agreement, the Court must sentence the

defendant within a range of one to four years imprisonment. Based on this occurrence, the United States recommends a sentence of three years imprisonment.

The term of imprisonment range the parties agreed upon in the plea agreement is substantially below that recommended by the advisory guidelines. This range reflects the parties's assessment of the advisory guideline recommendations, the effect the incomplete duress defense might have had on the Court's guideline calculation, and the sentencing factors contained in 18 U.S.C. § 3553. After their respective assessments, the parties agreed the Court should sentence the defendant with a range of 12 and 48 months imprisonment. The United States now recommends a sentence of 36 months imprisonment. By the defendant's own admission, she was responsible for the shipment of multiple kilograms of cocaine. As a result, her culpability, responsibility, and role in the offense is on par with that of Krista Ann Callan, who received a sentence of 48 months imprisonment. The United States recommends this term, as being within the agreed upon range, because it is sufficient but not more than necessary to reaffirm societal norms and to provide deterrence to this defendant and perhaps to others in similar temptations. This substantially reduced recommended term already takes into account the circumstances of the defendant's life and personal

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experiences that explain her involvement in the conspiracy to which she pleaded guilty.

Additionally, in order for defendant to participate in the 500 hour drug abuse program, her sentence has to be long enough for her to qualify for the program. Upon successful completion of this program, the defendant would be eligible for early release history the particular circumstances of the defendant's life.

All of the other government sentencing recommendations remain in effect.

RESPECTFULLY SUBMITTED this day, February 7, 2007, in  
Anchorage, Alaska.

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